

U.S.A. vs ALBERTO PONCE-FIMBRES

No. 08CR1338-JM

The Court finds excludable delay, under the section indicated by check ( ☒ ),  
commenced on 5-16-08 and ended on \_\_\_\_\_; ( )  
and ended on 8-15-08. ( )

- 3161(h)  
\_\_\_\_(1) (A) Exam or hrg for **mental or physical incapacity**  
\_\_\_\_(1) (B) **NARA examination** (28:2902)  
\_\_\_\_(1) (D) State or Federal trials or **other charges pending**  
\_\_\_\_(1) (E) **Interlocutory appeals**  
\_\_\_\_(1) (F) **Pretrial motions** (from flg to hrg or other prompt dispo)  
\_\_\_\_(1) (G) **Transfers from other district** (per FRCrP 20, 21 & 40)  
\_\_\_\_(1) (J) **Proceedings under advisement** not to exceed thirty days  
\_\_\_\_ Misc proc: Parole or prob rev, deportation, **extradition**  
\_\_\_\_(1) (H) **Transportation** from another district or to/from examination  
or hospitalization in ten days or less  
\_\_\_\_(1) (I) Consideration by Court of **proposed plea agreement**  
\_\_\_\_(2) **Prosecution deferred** by mutual agreement  
\_\_\_\_(3) (A) (B) **Unavailability of defendant or essential witness**  
\_\_\_\_(4) Period of **mental or physical incompetence** of defendant to  
stand trial  
\_\_\_\_(5) Period of **NARA commitment or treatment**  
\_\_\_\_(6) **Superseding indictment and/or new charges**  
\_\_\_\_(7) **Defendant awaiting trial of co-defendant** when no severance  
has been granted  
\_\_\_\_(8) (A) (B) **Continuances** granted per (h) (8)-use "T" alone if more than  
one of the reasons below are given in support of continuance  
\_\_\_\_(8) (B) (I) 1) Failure to grant a **continuance** in the proceeding  
would result in a **miscarriage of justice** and  
the ends of justice outweigh the best interest  
of the public and the defendant in a speedy trial.  
(Continuance - miscarriage of justice)  
\_\_\_\_ 2) Failure to grant a **continuance** of the trial would result in  
a miscarriage of justice as the defendant has tendered a  
guilty plea to a magistrate judge and is awaiting a  
determination as to whether the plea will be accepted.  
(Continuance - tendered a guilty plea)  
\_\_\_\_(8) (B) (ii) 2) **Case unusual or complex**  
\_\_\_\_(8) (B) (iii) 3) **Indictment** following arrest **cannot be filed** in thirty (30) days  
\_\_\_\_(8) (B) (iv) 4) **Continuance** granted in order to obtain or substitute counsel,  
or give reasonable time to prepare  
(Continuance re counsel)  
\_\_\_\_3161(I) Time up to **withdrawal of guilty plea**  
\_\_\_\_3161(b) **Grand jury indictment time extended** thirty (30) more days

Date 5/16/08

[Signature]  
Judge's Initials

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